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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

JOSE ALBERTO FONSECA PINA AND
 ROGELIO VIGIL,

Plaintiff,

v.

CON-WAY FREIGHT, INC.,

Defendant.

Case No. C10 00100 JF

**STIPULATION AND ~~[PROPOSED]~~
 ORDER MODIFYING THE SCHEDULING
 ORDER**

JORGE R. QUEZADA AND ROBERT
 COLON,

Plaintiff,

v.

CON-WAY FREIGHT INC.,

Defendant.

Case No. C 09-03670 JF

Complaint Filed: February 17, 2009

TO THE HONORABLE COURT AND THE CLERK OF THE COURT:

TAKE NOTICE THAT THE undersigned counsel of record for Plaintiffs and Defendant hereby stipulate and request that the Court enter the following Order forthwith:

WHEREAS, Defendants and Plaintiff Quezada agreed that Defendant had priority in taking Plaintiff Quezada's deposition before taking Defendant's Person Most Knowledgeable deposition;

WHEREAS, Defendant has taken the deposition of Plaintiff Quezada;

WHEREAS, after entering into the priority agreement respecting Plaintiff Quezada, counsel for Quezada has assumed the representation of Plaintiff Colon in this action and contemplates associating with counsel for Plaintiffs Vigil and Fonseca;

WHEREAS, Defendants assert that the deposition priority agreement applies to all Plaintiffs;

WHEREAS, Defendant has requested dates to take the remaining Plaintiffs' depositions, Plaintiff's counsel previously proposed alternative dates for Mr. Colon's deposition, but those dates were unavailable on Defendants' counsel's calendar. As a result of complications arising from a subsequent medical procedure, Mr. Colon is not expected to be fit to give a deposition until January 2011 and;

Whereas, Plaintiff Fonseca Pina is scheduled to return from travel outside the United States before the end of the year, Plaintiffs' counsel expects that the depositions of Messrs. Fonseca and Vigil can also be completed in January 2011.

WHEREAS, once Defendant completes the depositions of all named Plaintiffs, then Plaintiffs intend to notice depositions necessary before filing their motion for class certification;

WHEREAS, the current briefing schedule for Plaintiffs' certification motion does not allow sufficient time for the parties to complete certification-related discovery and prepare their certification motion;

WHEREAS, the parties agree that a continuance of sixty days of the current briefing schedule will allow sufficient time for the parties to complete certification-related discovery and allow Plaintiffs to prepare their motion;

(NO. C10 00100 JF)
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NOW THEREFORE, the parties hereby request, based on the showing of good cause discussed herein, that the certification briefing schedule be continued sixty days as follows:

- (1) Certification Motion Filing Date: no later than April 15, 2011;
- (2) Opposition Filing Date: no later than June 15, 2011;
- (3) Reply Deadline: no later than July 15, 2011;
- (4) Hearing Date: July 29, 2011 at 9:00 a.m.; and
- (6) Further Case Management Conference: July 8, 2011 at 10:30 a.m.

All counsel agree that there have otherwise been no changes in the status of the case since the Case Management Conference and this is the first request for a continuance of dates requested by the parties.

Dated: December 20, 2010

/s/ Kenneth R. O'Brien
 KENNETH R. O' BRIEN
 ERICA H. KELLEY
 LITTLER MENDELSON
 A Professional Corporation
 Attorneys for Defendant
 CON-WAY FREIGHT INC.

Dated: December 20, 2010

/s/ R. Duane Westrup
 R. DUANE WESTRUP
 LAWRENCE R. CAGNEY
 WESTRUP KLINK, LLP
 Attorneys for Plaintiffs
 JOREGE R. QUEZADA AND ROBERT
 COLON

1 Dated: December 20, 2010

2
3 /s/ Jonathan Che Gettleman
4 JONATHAN CHE GETTLEMAN
5 Attorney for Plaintiffs
6 JOSE ALBERTO FONSECA PINA AND
7 ROGELIO VIGIL

8 PURSUANT TO STIPULATION, IT IS SO ORDERED THAT THE BRIEFING
9 SCHEDULING ON PLAINTIFFS' MOTION FOR CLASS CERTIFICATION BE MODIFIED AS
10 DESCRIBED ABOVE.

11 Dated: 1/5/11, ~~2010~~

12 
13 The Honorable Jeremy Fogel
14 United States District Judge

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